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2 California State Bar No. 203913  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
**(HONORABLE M. JAMES LORENZ)**

11 UNITED STATES OF AMERICA, ) CASE NO. 08CR0719-L  
12 Plaintiff, ) DATE: April 14, 2008  
13 v. ) TIME: 2:00 p.m.  
14 RIGOBERTO HERNANDEZ-RIVERA, ) NOTICE OF MOTIONS AND MOTIONS TO:  
15 Defendant. )  
16 ) 1) DISMISS THE INDICTMENT;  
17 ) 2) STRIKE SURPLUSAGE FROM THE  
18 ) INDICTMENT;  
19 ) 3) PRODUCE GRAND JURY  
 ) TRANSCRIPTS;  
 ) 4) COMPEL DISCOVERY AND  
 ) PRESERVE EVIDENCE; AND  
 ) 5) GRANT LEAVE TO FILE FURTHER  
 ) MOTIONS

21 TO: KAREN P. HEWITT, UNITED STATES ATTORNEY; AND  
ASSIGNED ASSISTANT UNITED STATES ATTORNEY:

23 PLEASE TAKE NOTICE that, on April 14, 2008, at 2:00 p.m., or as soon thereafter as counsel may  
24 be heard, defendant Rigoberto Hernandez-Rivera, by and through his attorneys, Jennifer L. Coon and  
25 Federal Defenders of San Diego, Inc., will ask this Court to enter an order granting the following motions.

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## **MOTIONS**

Defendant Rigoberto Hernandez-Rivera, by and through his attorneys, Jennifer L. Coon and Federal Defenders of San Diego, Inc., asks this Court pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all other applicable statutes, case law, and local rules for an order to:

- (1) Dismiss the Indictment;
  - (2) Strike Surplusage from the Indictment;
  - (3) Produce Grand Jury Transcripts;
  - (4) Compel Discovery and Preserve Evidence; and
  - (5) Grant Leave to File Further Motions.

These motions are based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, the files and records in the above-captioned matter, and any and all other materials that may come to this Court's attention prior to or during the hearing of these motions.

Respectfully submitted,

DATED: April 1, 2008

/s/ Jennifer L. Coon

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JENNIFER L. COON

## Federal Defenders of San Diego, Inc.

Attorneys for Mr. Hernandez-Rivera